

Draft Meeting Agenda
South Dakota Board of Examiners of Psychologists
Teleconference/Video Conference
May 20, 2021 9:00AM CDT/8:00AM MDT

The public is invited to attend the meeting. Please click on the following link [SDBEP Public Meeting \(lcbhs.net\)](https://sdbep-public-meeting.lcbhs.net) and then select temporary application. To connect Audio only from your phone – Please call (763)316-3486 and enter 4323423344 when prompted.

Member Listing:

1. Thomas Stanage, Ph.D., President
2. Matthew Christiansen, Ph.D., Vice-President
3. Trisha Miller, Ph.D., Secretary
4. Jeffrey Ellison, Psy.D., Member
5. Charles Sherman, Ph.D., Member
6. Robert Overturf, Lay Member
7. Brian Roegiers, Lay Member

Purpose: The Board protects the health and safety of the consumer public by licensure of qualified persons, enforcement of the statutes, rules and regulations governing the practice of psychology, including the appropriate resolution of complaints.

1. Call to Order/Welcome and Introductions-Stanage
2. Roll Call-Stanage
3. Conflicts to declare
4. Corrections or additions to the agenda
5. Approval of the agenda
6. Public Testimony/Public Comment Period-9:05 a.m.
7. Approval of Minutes from February 25, 2021
8. FY Financial Update
9. Online System-Renewal Update
10. Legislative Updates (legal counsel)
11. PSYPACT
12. EPPP II
13. USD Psychology Department question – State Oral Licensure Exam
14. Executive Session-Pursuant to SDCL 1-25-2

1. Complaints/investigations

- a. #217-I
- b. #218-I
- c. #223

2. Oral Examinations:

Applicants:

- #616
- #617 (Tentative)
- #621 (Tentative)

15. Applicant Approvals
16. Any other business coming in between date of mailing and date of meeting
17. Schedule next meeting
18. Adjourn

We will use the videoconference system for executive session.

SOUTH DAKOTA BOARD OF EXAMINERS OF PSYCHOLOGISTS
BOARD MEETING MINUTES
Teleconference
February 25, 2021

Members Present: Thomas Stanage, Ph.D., (President); Matthew Christiansen, Ph.D. (Vice President); Trisha Miller, Ph.D., (Secretary); Chuck Sherman, Ph.D., Member; Brian Roegiers, Lay Member; Robert Overturf, Lay Member; Jeffrey Ellison, Psy.D., Member

Members Absent: None.

Others Present: Carol Tellinghuisen, Executive Administrator; Jill Lesselyoung, Administrative Assistant; Brooke Tellinghuisen-Geddes, Administrative Assistant; Ryan Loker, Special Assistant Attorney General & Legal Counsel for the Board (DSS-Assigned); Kristin Thayer, Executive Director of the South Dakota Psychological Association; Marilyn Kinsman, Senior Policy Analyst for South Dakota DSS

Call to Order/Welcome and Introductions: Stanage called the meeting to order at 8:15am MDT.

Roll Call: Lesselyoung called the roll. A quorum was present (Stanage, Christiansen, Miller, Sherman, Roegiers, Ellison, Overturf).

Conflicts to Declare: None.

Corrections or Additions to the Agenda: None.

Approval of the Agenda: Sherman motioned to approve the agenda as presented; Ellison seconded the motion. Motion carried on unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

Public Testimony/Public Comment Period (9:18am CDT / 8:18am MDT): None.

Election of Officers: Brief discussion led to Overturf motioning to leave the elected officers the same (Stanage as President, Christiansen as Vice-President, and Miller as Secretary) for another year; Sherman seconded the motion. Ellison moved that nominations cease; Roegiers seconded. Ellison's motion carried on a unanimous roll call vote, which was followed by unanimous roll call approval of Overturf's motion. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

Approval of Minutes from November 16, 2020 and January 18, 2021 Meetings: Christiansen moved, Overturf seconded, to approve both the November 16, 2020 and the January 18, 2021 meeting minutes as written. Motion passed unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

FY Financial Update: Lesselyoung reported on the last fiscal year end financial report (financials as of June 30, 2020) as well as the most recent financial report (financials as of January 31, 2021). Lesselyoung reported that as of June 30, 2020, revenue was at \$67,043.56, year-to-date expenditures were at \$58,872.26, and Cash Balance was at \$119,116.49. Lesselyoung then reported that as of January 31, 2021, revenue was at \$10,471.47, year-to-date expenditures were at \$35,385.57, and Cash Balance was at \$94,202.39. Stanage commented that it would be helpful to have comparisons to the financials one year

prior for comparison. Tellinghuisen stated they could begin to add those numbers in the report moving forward. Sherman moved and Roegiers seconded the motion to accept both financial reports. Motion passed unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

Online System/Records Retention Update: Lesselyoung advised the first on-boarding meeting with Albertson's Consulting recently took place and they are now working with the State of SD to get the credit card portal set up. The aim is to have licensure renewals process via the online access this year, though it is uncertain if the timing of completion will allow for this to be the case. Lesselyoung explained that if the system is ready to allow online renewals, the board office would like to cut off the paper form renewal application at that point. Stanage questioned how much lead time notice the board office would give licensees about this change. Tellinghuisen-Geddes advised the executive staff typically mail out notices for renewals sometime during the first two weeks in April each year, so they would still follow that timeframe in mailing out those paper reminders for renewal but that instructions would be included on how to utilize the new online system. Tellinghuisen made Board members aware the board office is asking Albertson Consulting if there is a way board office staff will be able to enter credit card numbers for individuals in case of individuals having difficulty with doing so online themselves. Kinsman made the board aware that the Counseling board did cut off paper renewals and applications altogether once their online system was in place, but she is uncertain of whether any problems arose from this. Miller gave input of desire to go ahead with implementing the system cold turkey for our board's purposes as well. Stanage stated agreement that it would be okay to proceed in this manner if the system is in place in time. Sherman cited agreement to this as well. No dissent was voiced by any members; thus, board office staff were left with the consensus of the board to proceed in requiring online applications and renewals if the system is in place in time for this upcoming renewal period.

With regard to records retention, Tellinghuisen stated board office staff will begin to input the current database to Albertson Consulting. Board office staff desire to have scanning of the paper files also started. Lesselyoung reported having received pricing on this, wherein it would cost approximately \$1.75 per file to have it done through the local UPS Store in Spearfish, SD. Stanage inquired about how many records are held. Lesselyoung stated there are approximately 200 records in the current database and there are an uncertain number of older (pre-database) records but that any records older than 40 years can be destroyed. There are also an uncertain number of complaint files. Stanage pointed out the cost of destroying files would then be around \$400. Lesselyoung stated the board office is considering offering individuals the chance to receive their original licensure paperwork, as sometimes we have had applicants who have had difficulty obtaining their original records of internships, etc. Stanage stated this sounds like a good idea.

PSYPACT Update: Loker reported that he had checked the Legislative Research Council site just prior to the meeting and did not see a bill dropped with regard to PSYPACT, so he suspects if one does not drop soon, there may simply not be one this session. Stanage asked if any board members had any comments about PSYPACT at this time and there were none. Stanage stated he is holding an open mind about PSYPACT, but he feels our board and state would be smart to wait and see what happens in the states who have joined PSYPACT as the unknowns presently outweigh the knowns for Stanage. PSYPACT will roll out in July 2021.

Legislative Updates: Tellinghuisen cited three bills that may be important to note: HB 1077, HB 1014, and SB 96. Tellinghuisen reported that it was hoped HB 1077, a bill encouraging boards to allow licensure by endorsement of those already licensed in other states, might help with some of the problems PSYPACT

was intended to solve. Kinsman reported Governor Noem to have signed HB 1077 on Tuesday this week. Miller inquired about the ambiguous language of the bill with regard to what our board will require from licensure applicants who are already licensed in other states as the bill leaves this open. Stanage stated this is a discussion our board will need to have soon. Tellinghuisen stated this item will be put on the next meeting agenda. In discussing HB 1014, Loker explained the bill simply standardizes the complaint procedures under Title 36 across state boards. Loker stated the bill has passed the House and Senate and Governor Noem is expected to sign it. Stanage reported no concern and said he views it as a positive as it mirrors the work Overturf did on revamping our board's procedure over the last year or so. Overturf agreed that indeed our procedure involves the components the bill requires. Tellinghuisen stated simply that SB 96 is the telehealth bill. There was no further discussion.

Thayer exited from the conference call at 8:44am MST/9:44am CST.

Kinsman exited from the conference call at 8:45am MST/9:44am CST.

Board members, executive staff, and Loker transitioned to a secure private online conference room at this point.

Executive Session – Pursuant to SDCL 1 – 25 – 2:

Sherman motioned and Christiansen seconded to enter executive session at 8:46am MST/9:46am CST for purpose of discussing three complaints/investigations (#217-I, #218-I, and #223), discussing the Executive Secretary Contract Renewal, and to complete the Orals Examinations of three applicants (#611, #614, and #615). Motion carried on a unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

Overturf exited the meeting after the initial Orals Examination.

Stanage declared end of Executive Session at 11:25am MST/12:25am CST.

Board members left the executive session call and reconvened into the general online meeting room. Stanage called the general meeting back to order at 11:27am MST/12:27am CST. All members were noted visibly present other than Overturf.

Executive Secretary Contract Renewal: Ellison motioned to approve the Executive Secretary Contract at the current rate, with a pending increase to be included upon cost-of-living increase approval by the state; Sherman seconded the motion. Motion carried on a unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, absent; Roegiers, yes.

Complaints/Investigations Status: Stanage stated all complaints remain in pending status at this time.

Oral Examinations Status: Miller recommended applicants 611, 614, and 615 all be approved for licensure per passing of their orals examinations today. Christiansen moved, Ellison seconded, to approve applicants 611, 614, and 615 for licensure. Motion carried on a unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, absent; Roegiers, yes.

Other Business: None.

Schedule Next Meeting/Conference Systems: The next meeting, set to be a virtual meeting, was tentatively set for Thursday, May 20, 2021 at 8am MDT/9am CDT. Any business that needs to be addressed prior to this date will take place via teleconference.

Motion to adjourn was made by Sherman, seconded by Christiansen. Stanage adjourned meeting at 11:34am MST/12:34pm CST following unanimous roll call vote to do so. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, absent; Roegiers, yes.

Respectfully submitted,

Trisha T. Miller, Ph.D.
Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

BOARD OF PSYCHOLOGY EXAMINERS
REVENUE SUMMARY
FOR MONTH ENDING 03/31/21

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4920045			0892000	654		2021	09	\$ 2,221.47	\$ -
6503	4293000	0	0	0892000	654		2021	09	\$ 8,700.00	\$ 150.00
									\$ 10,921.47	\$ 150.00

BOARD OF PSYCHOLOGY EXAMINERS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 03/31/21

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5101030	0	0	BOARD & COMM MBRS FEES	0892000	654		2021	09	\$ 1,680.00	\$ 420.00
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0892000	654		2021	09	\$ 128.52	\$ 32.13
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0892000	654		2021	09	\$ 350.00	\$ -
6503	5204030	0	0	LEGAL DOCUMENT FEES	0892000	654		2021	09	\$ 618.00	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0892000	654		2021	09	\$ 37,118.79	\$ 3,911.92
6503	5204201	0	0	BFM CENTRAL SERVICES	0892000	654		2021	09	\$ 799.53	\$ -
6503	5204204	0	0	RECORDS MGMT SERVICES	0892000	654		2021	09	\$ 216.00	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0892000	654		2021	09	\$ 521.21	\$ 160.73
6503	5204360	0	0	ADVERTISING-NEWSPAPER	0892000	654		2021	09	\$ 631.95	\$ -
6503	5204510	0	0	RENTS-OTHER	0892000	654		2021	09	\$ 2,000.00	\$ 200.00
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0892000	654		2021	09	\$ 160.00	\$ 42.00
6503	5204590	0	0	INS PREMIUMS & SURETY BDS	0892000	654		2021	09	\$ 460.74	\$ 460.74
6503	5205320	0	0	PRINTING-COMMERCIAL	0892000	654		2021	09	\$ 557.43	\$ -
6503	5205350	0	0	POSTAGE	0892000	654		2021	09	\$ 26.35	\$ -
										\$ 45,268.52	\$ 5,227.52

BOARD OF PSYCHOLOGY EXAMINERS

CASH CENTER BALANCE**FOR MONTH ENDING 03/31/21**

COMP	ACCOUNT	YEAR	BDGT GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	CASH BALANCE
6503	1140000								

6503	1140000	0892000	654	2021	09	\$	84,769.44
------	---------	---------	-----	------	----	----	-----------

\$ 84,769.44

BOARD OF PSYCHOLOGY EXAMINERS
REVENUE SUMMARY
FOR MONTH ENDING 03/31/20

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4920045			0892000	654		2020	09	\$ 1,743.56	\$ -
6503	4293000	0	0	0892000	654		2020	09	\$ 9,450.00	\$ 400.00
									\$ 11,193.56	\$ 400.00

BOARD OF PSYCHOLOGY EXAMINERS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 03/31/20

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5101030	0	0	BOARD & COMM MBRS FEES	0892000	654		2020	09	\$ 1,560.00	\$ -
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0892000	654		2020	09	\$ 126.22	\$ -
6503	5203030	0	0	AUTO-PRIV (IN-ST.) H/RTE	0892000	654		2020	09	\$ 2,205.42	\$ -
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0892000	654		2020	09	\$ 350.00	\$ -
6503	5204030	0	0	LEGAL DOCUMENT FEES	0892000	654		2020	09	\$ 612.00	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0892000	654		2020	09	\$ 37,413.62	\$ 3,477.00
6503	5203100	0	0	LODGING/IN-STATE	0892000	654		2020	09	\$ 640.04	\$ -
6503	5203140	0	0	TAXABLE MEALS/IN-STATE	0892000	654		2020	09	\$ 90.00	\$ -
6503	5203150	0	0	NON-TAXABLE MEALS/IN-ST	0892000	654		2020	09	\$ 378.00	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0892000	654		2020	09	\$ 1,037.13	\$ -
6503	5204204	0	0	RECORDS MGMT SERVICES	0892000	654		2020	09	\$ 222.00	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0892000	654		2020	09	\$ 356.28	\$ -
6503	5204510	0	0	RENTS-OTHER	0892000	654		2020	09	\$ 2,434.68	\$ 499.88
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0892000	654		2020	09	\$ 14.00	\$ -
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0892000	654		2020	09	\$ 22.00	\$ -
6503	5205310	0	0	PRINTING-STATE	0892000	654		2020	09	\$ 69.00	\$ -
6503	5205320	0	0	PRINTING-COMMERCIAL	0892000	654		2020	09	\$ 562.10	\$ 159.00
										\$ 48,092.49	\$ 4,135.88



2021 South Dakota Legislature

House Bill 1077

ENROLLED

AN ACT

ENTITLED An Act to provide for licensure by endorsement for certain licensed professionals and occupations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That a NEW SECTION be added:

36-1C-1. Eligibility--Licensure by endorsement.

Notwithstanding any existing provisions related to licensure by endorsement or licensure by reciprocity in any applicable licensing statute, a licensing board shall issue a license, certificate, registration, or permit to an applicant to allow practice in this state if, upon application to the licensing board, the applicant satisfies all of the following conditions:

- (1) Holds a current license, certificate, registration, or permit from another state, territory, or country and the licensing board determines that state's, territory's, or country's requirements are substantially equivalent to or exceed the requirements established in this state;
- (2) Demonstrates competency in the profession or occupation through methods determined by the licensing board, including having completed continuing education or having experience in the profession or occupation for at least two of the five years preceding the date of the application under this section;
- (3) Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that profession or occupation in this state unless the licensing board determines, in its discretion, that the act should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state;
- (4) Is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration, or permit unless the licensing board determines,

- in its discretion, that the discipline should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state; and
- (5) Pays any fees established by the licensing board by rules promulgated pursuant to chapter 1-26.

Section 2. That a NEW SECTION be added:

36-1C-2. Provisional license--Duration.

A licensing board may issue a provisional license, certificate, registration, or permit to an applicant for licensure by endorsement while the applicant is satisfying remaining requirements for the licensure by endorsement as determined by the board. The holder of a provisional endorsement license issued under this section may practice until any of the following occurs:

- (1) A license, certificate, registration, or permit is denied by the licensing board under this section;
- (2) The expiration of the provisional endorsement license as established by the board by regulation; or
- (3) The holder of the provisional endorsement license fails to comply with the terms of the provisional license.

Section 3. That a NEW SECTION be added:

36-1C-3. Application of chapter.

Nothing in this Act may be construed to override, supersede, or invalidate any compact or agreement already in place with regard to the regulation of any profession under title 36.

Section 4. That a NEW SECTION be added:

36-1C-4. Affected professions.

The provisions of this Act apply to those practitioners licensed pursuant to chapters 36-4, 36-4A, 36-4B, 36-4C, 36-9, 36-9A, 36-9C, 36-10, 36-10B, 36-11, 36-19, 36-26, 36-27A, 36-29, 36-31, 36-32, 36-33, 36-34, 36-37, 36-38, and 34-11.

An Act to provide for licensure by endorsement for certain licensed professionals and occupations.

I certify that the attached Act originated in the:

House as Bill No. 1077

Received at this Executive Office
this _____ day of _____,

2021 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2021.

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2021
at _____ o'clock ____ M.

Secretary of the Senate

Secretary of State

House Bill No. 1077
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State



2021 South Dakota Legislature
House Bill 1014
ENROLLED

AN ACT

ENTITLED An Act to establish uniform complaint and declaratory ruling procedures for agencies regulating certain professions and occupations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That a NEW SECTION be added:

36-1C-1. Definitions.

Terms used in this Act mean:

- (1) "Administrator," the executive director, executive secretary, or other person designated as being responsible for a professional or occupational licensing's board, commission, or agency operation;
- (2) "Agency," a professional or occupational licensing board, commission, or agency set forth in title 36;
- (3) "Complaint," an allegation of a violation of the laws or rules of a professional or occupational licensing board, commission, or agency set forth in title 36;
- (4) "Investigative committee," one or more persons employed or contracted by a professional or occupational licensing board, commission, or agency set forth in title 36 to review and investigate complaints;
- (5) "License," any certification, license, permit, or other authorization related to the practice of any profession or occupation regulated under title 36.

Section 2. That a NEW SECTION be added:

36-1C-2. Complaints--Jurisdiction.

Any person claiming that a licensee or an applicant for a license under title 36 has engaged in or is engaging in conduct constituting grounds for disciplinary action, as enumerated in the laws or rules of the agency, may file with the agency a written complaint. The agency shall require the complaining party to file a complaint stating the name of the applicant or licensee against whom the complaint is made and setting out, in

full detail, the conduct that is alleged to be in violation and may prescribe the form on which a written complaint is made.

The administrator shall request the complainant provide additional information if the complaint does not state a claim within the jurisdiction of the agency.

Failure of the complainant to comply with this section is basis for the administrator to reject the complaint without further action.

Section 3. That a NEW SECTION be added:

36-1C-3. Receipt of complaint--Time to respond--Failure to respond.

Upon receipt of a properly submitted complaint within the agency's jurisdiction, the administrator shall serve a copy of the complaint by mail or electronic mail upon the applicant or licensee complained against.

The applicant or licensee complained against shall send a response to the complaint to the administrator of the agency within twenty business days after service of the complaint on the applicant or licensee. Upon receipt of the response of the applicant or licensee, or upon expiration of the time for the applicant or licensee complained against to respond, the administrator shall assign an investigative committee to determine if the complaint has probable cause and constitutes grounds for disciplinary action or lacks probable cause and should be dismissed.

The twenty business days may be extended by the administrator for good cause.

Failure to respond to the complaint is grounds for disciplinary action.

Section 4. That a NEW SECTION be added:

36-1C-4. Investigation--Dismissal permitted.

Upon completion of the investigation, the investigating committee shall recommend to the agency whether the complaint should be dismissed for lack of probable cause, resolved by informal disposition, or settled by a formal hearing. The failure of an applicant or licensee to comply with the investigation is grounds for denial of the application or disciplinary action.

An agency may allow the investigative committee to dismiss a complaint. Any dismissal by the investigative committee must be reported to the agency at its next scheduled meeting or within thirty days, whichever is shorter.

An investigative committee includes the agency's legal counsel.

Section 5. That a NEW SECTION be added:

36-1C-5. Option to authorize limited administrative fines for specified violations.

The agency may authorize the administrator to impose an administrative fine upon proof of a violation of specified statutes or rules without additional prior approval. Any action taken pursuant to this section shall be reported to the agency at its next scheduled meeting or within thirty days, whichever is shorter.

Any administrative fine issued under this section may be appealed by requesting a contested case under chapter 1-26. Notice of appeal must be submitted to the administrator within twenty calendar days of service of the fine.

Any fine issued under this section may not exceed five hundred dollars.

Section 6. That a NEW SECTION be added:

36-1C-6. Informal disposition--Notice.

The agency may accept an informal disposition regarding a violation of the laws or rules under the agency's jurisdiction. The agreed upon disposition must be in writing and is subject to the approval of the agency.

Failure to comply with the terms of an informal disposition is grounds for disciplinary action or allows the agency to institute or reinstitute formal proceedings.

The administrator shall notify, in writing, any complaining party of the results of the informal disposition of a complaint and the action taken, if any.

Section 7. That a NEW SECTION be added:

36-1C-7. Formal complaint.

If an alleged violation has probable cause constituting grounds for disciplinary action, the legal counsel for the agency may commence formal proceedings by serving a formal complaint by mail or electronic mail upon the applicant or licensee complained against.

The formal complaint must include the name of the applicant or licensee complained against, and a statement of facts setting forth the nature of the violations being charged that constitute grounds for disciplinary action.

Section 8. That a NEW SECTION be added:

36-1C-8. Response to formal complaint.

The applicant or licensee shall file an answer with the administrator within twenty calendar days after service of the complaint admitting, denying, qualifying, or explaining all facts alleged in the formal complaint and all defenses of the applicant or licensee or mitigating factors.

Section 9. That a NEW SECTION be added:

36-1C-9. Notice of hearing.

After the receipt of the response in § 36-1C-8, the agency's counsel shall file a notice of hearing pursuant to § 1-26-17. The notice of hearing must be served no later than twenty calendar days prior to the hearing date.

The agency may continue the date of the hearing as necessary. The agency's counsel shall serve notice of any new date by electronic mail to the applicant or licensee's address on file with the agency. If the applicant or licensee does not have electronic mail, communication shall be sent to the mailing address on file with the agency.

Section 10. That a NEW SECTION be added:

36-1C-10. Appearance required of applicant or licensee.

The applicant or licensee appearing before the agency at a formal hearing shall appear in person unless otherwise waived by the agency. If an applicant or licensee fails to appear, the hearing may proceed without the applicant or licensee.

Section 11. That a NEW SECTION be added:

36-1C-11. Board or commission member disqualified.

If an alleged violation against an applicant or licensee is filed by a member of the agency's board or commission, or if a member of the agency's board or commission participates in the investigation of a violation by an applicant or licensee, that agency's board or commission member is disqualified from participating in the final decision rendered by the agency board or commission.

Section 12. That a NEW SECTION be added:

36-1C-12. Written waiver of procedures.

An applicant for a license or licensee may, in writing, waive any procedure granted to the applicant or licensee under this chapter.

Notwithstanding any other provision of law, nothing in this chapter shall be construed to limit an agency's authority for emergency action under § 1-26-29.

Section 13. That a NEW SECTION be added:

36-1C-13. Promulgation of rules.

The Departments of Agriculture, Health, Labor and Regulation, and Social Services shall promulgate rules, pursuant to chapter 1-26, to make any consistent addition to the procedures in this chapter in order to comply with any federal statutes, rules, and regulations regarding a profession or occupation within their respective department.

Section 14. That a NEW SECTION be added:

36-1C-14. Petition for declaratory ruling.

A person seeking a ruling as to the applicability to that person of a law, rule, or order of an agency under title 36 may file with the agency a petition for declaratory ruling in substantially the following form:

Pursuant to the provisions of SDCL 1-26-15, I, (name of petitioner), of (address of petitioner), am (title or capacity of petitioner), and do hereby petition the professional or occupational board or commission of (state name of body) for its declaratory ruling in regard to the following:

- (1) The statutes or rules or order in question is: (here identify and quote the pertinent statute, rule, or order.):
- (2) The facts and circumstances that give rise to the issue to be answered by the professional or occupational board or commission's declaratory ruling:
- (3) The precise issue to be answered by the professional or occupational board or commission's declaratory ruling:

Dated at (city and state), this _____ day of _____, _____.

(Signature of Petitioner)

Section 15. That a NEW SECTION be added:

36-1C-15. Action on petition.

Upon receipt of the petition, the administrator may request from the petitioner any information that may be required for the issuance of its ruling. At the agency's next regularly scheduled meeting following the receipt of the petition or following receipt of requested information, or within ninety days, whichever is shorter, the agency shall issue its declaratory ruling and serve a copy of it by mail or electronic mail upon the petitioner.

Section 16. That a NEW SECTION be added:

36-1C-16. Appeal of declaratory ruling.

Any person seeking a declaratory ruling hereunder, is considered aggrieved if, within thirty days of the agency's declaratory ruling, a request is made for the agency to conduct a formal hearing. The hearing must be held at the earliest convenience of the agency following the receipt of the request. A hearing under this section is a contested case under chapter 1-26.

Section 17. That § 36-4A-42 be AMENDED.

36-4A-42. Promulgation of rules by board.

The board shall promulgate rules pursuant to chapter 1-26 pertaining to fees, licensure of physician assistants, and supervision requirements.

Section 18. That § 36-4C-23 be AMENDED.

36-4C-23. Investigation of violations.

The board shall investigate every alleged violation of this chapter pursuant to the procedures set forth in chapter 36-1C. If the alleged violation is committed by a nonlicensee, the board shall report it to the proper law enforcement officials of the county wherein the alleged violation has occurred.

Section 19. That § 36-5-20 be AMENDED.

**36-5-20. Disciplinary committee--Immunity from liability--Conditions--
Official immunity unaffected.**

Notwithstanding any provision of chapter 36-1C, the Board of Examiners may act as a disciplinary committee or may appoint other chiropractors licensed to practice in this state to perform such functions to maintain the professional standards of the board. No monetary liability on the part of, and no cause of action for damages may arise against

any member of a duly appointed disciplinary committee for any act or proceeding undertaken or performed within the scope of the functions of the committee, if the committee member acts without malice, has made a reasonable effort to obtain the facts of the matter on which the member acts, and acts in a reasonable effort to obtain the facts. The provisions of this section do not affect the official immunity of an officer or employee of a public corporation.

The board may promulgate rules pursuant to chapter 1-26 governing the administration and enforcement of this section and the conduct of licensees, including:

- (1) The purpose of the disciplinary committee;
- (2) The composition of the disciplinary committee; and
- (3) The qualifications of the disciplinary committee.

Section 20. That § 36-9-21 be AMENDED.

36-9-21. Promulgation of rules.

The board shall promulgate rules pursuant to chapter 1-26 pertaining to:

- (1) Licensing and licenses;
- (2) The practice of nursing;
- (3) Scope of nursing practice;
- (4) Except as otherwise provided in § 36-9-28, the delegation of nursing functions to unlicensed assistive personnel under the supervision of a licensed nurse;
- (5) Except as otherwise provided in § 36-9-28, the training, registration, and supervisory requirements for unlicensed personnel performing delegated nursing functions under the supervision of a licensed nurse;
- (6) Fees; and
- (7) Approval of nursing education and clinical enrichment programs.

Section 21. That § 36-9A-41 be AMENDED.

36-9A-41. Promulgation of rules.

The board may promulgate rules pursuant to chapter 1-26 pertaining to: licensure and licenses, practice, prescriptive authority, and approval of education programs.

Section 22. That § 36-9C-32 be AMENDED.

36-9C-32. Promulgation of rules.

The board shall promulgate rules pursuant to chapter 1-26 pertaining to:

- (1) Licensing and licenses;
- (2) The practice and scope, pursuant to § 36-9C-13, of certified professional midwives and certified professional midwife students;
- (3) Fees;
- (4) Approval of certified professional midwife education programs; and
- (5) Criteria for low-risk pregnancy and delivery.

Section 23. That § 36-10-49 be AMENDED.

36-10-49. Investigation of violations--Employment of counsel to assist in prosecution.

The Board of Examiners or the physical therapy committee, or both, shall investigate every alleged violation of this chapter pursuant to the procedures set forth in chapter 36-1C. If the alleged violation is committed by a nonlicensee, the board shall report the violation to the proper law enforcement officials wherein the act is committed. The board may employ special counsel subject to the supervision, control and direction of the attorney general, assist in the prosecution of violations of this chapter, and expend the necessary funds for such purpose.

Section 24. That § 36-11-11 be AMENDED.

36-11-11. Promulgation of rules .

The Board of Pharmacy may promulgate rules pursuant to chapter 1-26:

- (1) Pertaining to the practice of pharmacy;
- (2) Relating to the sanitation of persons and establishments licensed under the provisions of this chapter;
- (3) Pertaining to establishments licensed under the provisions of this chapter wherein any drug is compounded, prepared, dispensed or sold;
- (4) Providing for minimum equipment and standards of establishments licensed under the provisions of this chapter;
- (5) Pertaining to the sale of drugs by or through any mechanical device;
- (6) In cooperation with other governmental agencies where there exists a joint responsibility for protecting the public health and welfare;
- (7) Pertaining to the sale of nonprescription drugs;
- (8) To adopt such publications or supplements thereto as shall from time to time be deemed necessary to describe the drugs, medicines, prescription drugs, dispensing physician or other terms defined in § 36-11-2;

- (9) Pertaining to the posting of prescription prices on the premises of a pharmacy department to provide consumers with comparative pricing information;
- (10) Pertaining to registration of drug wholesalers and manufacturers;
- (11) Pertaining to home health care and service;
- (12) Pertaining to computerized pharmacy;
- (13) Pertaining to the registration of registered pharmacy technicians; an annual registration fee not to exceed thirty dollars; and tasks that may not be delegated by a licensed pharmacist to a registered technician;
- (14) Redispensing of pharmaceuticals; and
- (15) Pertaining to the dispensing of biological products.

Section 25. That § 36-18A-22 be AMENDED.

36-18A-22. Board to promulgate rules--Scope of rules--Existing rules remain in effect.

The board shall, pursuant to chapter 1-26, promulgate rules that may be reasonably necessary for the performance of its duties, the regulation of proceedings before it, and the licensure of the professions it regulates. The existing rules promulgated under the previous chapter 36-18 remain in effect until replaced. The board shall promulgate rules, pursuant to chapter 1-26, for the licensure of professional engineers, architects, land surveyors, landscape architects, and petroleum release assessors and remediators in the following areas:

- (1) Forms such as applications, renewals, licenses or certificates, and receipts for applicants, licensed professionals, and business entities;
- (2) Fees for applications, examinations, renewals, late penalties, lists and labels of licensees, returned checks, reinstatement, inactive status, ability to allow a vendor to collect fees for examinations, waiver of fees;
- (3) Criteria for types of education degrees, approval of accredited programs, intern programs, type of experience, length of experience, national and state specific examinations, use of computer examinations, criteria from other countries, procedure to evaluate foreign degrees, eligibility of applicants, dual licenses;
- (4) Continuing professional education and development content, hours, carryovers, and requirements;
- (5) How, when, and where to seal plans and documents; type of seal; required services to be provided; and criteria to define complete plans, minimum standards of practice, and guidelines;

- (6) Description of and criteria for construction administration, including a designation of who is to perform construction administration and criteria for a prime professional or a coordinating professional;
- (7) Requirements for compliance with local building code; and
- (8) The adoption of a code of professional conduct.

Section 26. That § 36-19-9 be AMENDED.

36-19-9. Officers of board--Scope of rules--Bond required of treasurer.

The State Board of Funeral Service may elect, out of its own number, a president, a vice-president, and secretary-treasurer, and, pursuant to chapter 1-26, promulgate the rules as may be reasonable and proper to:

- (1) Establish the minimum physical standards of licensees' funeral establishments;
- (2) Regulate the inspection of each funeral establishment;
- (3) Establish the educational, training, reciprocity and renewal requirements for licensure; and
- (4) However, the board may not regulate the method and manner of providing funeral service.

The treasurer of the board shall give bond in the sum of five thousand dollars with sufficient sureties to be approved by the board, conditioned for the honest and faithful discharge of the treasurer's duties.

Section 27. That § 36-20B-41 be AMENDED.

36-20B-41. Investigations--Probable cause determination--Subpoena power of board.

The board may, upon receipt of a complaint or other information suggesting violations of this chapter or of the rules of the board, conduct investigations in accordance with chapter 36-1C to determine whether there is probable cause to institute proceedings under chapter 1-26 or of this chapter against any person or firm for such violation. However, no investigation under this section may be a prerequisite to the proceedings if a determination of probable cause can be made without investigation. In aid of such investigations, the board or the chair thereof may issue subpoenas to compel witnesses to testify and to produce evidence.

Section 28. That § 36-20B-42 be AMENDED.

36-20B-42. Investigating officer--Confidentiality of information.

If an investigation committee determines a complaint or other information suggesting a violation under § 36-20B-41 lacks probable cause, the report of the investigating committee, the complaint, if any, the testimony and documents submitted in support of the complaint or gathered in the investigation, and the fact of pendency of the investigation must be treated as confidential information and may not be disclosed to any person except law enforcement authorities and, to the extent considered necessary in order to conduct the investigation, the subject of the investigation, the person whose complaint is being investigated, and any witness questioned in the course of the investigation.

Section 29. That § 36-20B-43 be AMENDED.

36-20B-43. Findings of investigation--Effect.

At the conclusion of the investigation under § 36-1C-4, if the subject of the investigation is an individual with practice privileges under the provisions of § 36-20B-66 or 36-20B-67, the board staff shall proceed in accordance with chapter 1-26. If the subject of the investigation is not a licensee or an individual with privileges under this chapter, the board shall take appropriate action under this chapter. Upon a finding of no probable cause, the board shall close the matter and shall thereafter release information relating thereto only with the consent of the person or firm under investigation.

Section 30. That § 36-20B-45 be AMENDED.

36-20B-45. Issuance of complaint--Administrative hearing--Service of complaint and notice of hearing.

If probable cause with respect to a violation by an individual with practice privileges granted under the provisions of § 36-20B-66 or 36-20B-67 has been determined by the board, or upon receipt of notice of a decision by the board of another state furnishing grounds for a determination of probable cause, the board may issue a complaint setting forth appropriate charges and set a date for hearing before the board on such charges. If a complaint is issued and a hearing date set, the board shall, not less than thirty days prior to the date of the hearing, serve a copy of the complaint and notice of the time and place of the hearing upon the individual with practice privileges granted under the provisions of § 36-20B-66 or 36-20B-67, together with a copy of the contested case proceedings under chapter 1-26. Service shall be by certified or registered mail to the address last known to the board, or pursuant to chapter 1-26.

Section 31. That § 36-20B-46 be AMENDED.

36-20B-46. Respondent to have access to investigatory report and evidence.

An individual with practice privileges under the provisions of § 36-20B-66 or 36-20B-67 against whom a complaint has been issued under this section may, reasonably in advance of the hearing, examine and copy the report of investigation, if any, and any documentary or testimonial evidence and summaries of anticipated evidence in the board's possession relating to the subject matter of the complaint. The board shall adopt rules, promulgated pursuant to chapter 1-26, governing proceedings under this section to specify the manner in which such right may be exercised.

Section 32. That § 36-20B-47 be AMENDED.

36-20B-47. Appearance at hearing--Examination and presentation of witnesses and evidence--Subpoenas.

The respondent licensee shall appear at the hearing as required by § 36-1C-10. An individual with practice privileges granted under the provisions of § 36-20B-66 or 36-20B-67 may appear at the hearing in person or, in the case of a firm, through a partner, officer, director, shareholder, member, or manager, and by counsel, examine witnesses and evidence presented in support of the complaint, and present evidence and witnesses on the licensee's or an individual's own behalf. The licensee or an individual granted practice privileges under the provisions of § 36-20B-66 or 36-20B-67 is entitled, on application to the board, to the issuance of subpoenas to compel the attendance of witnesses and the production of documentary evidence.

Section 33. That § 36-21A-89 be AMENDED.

36-21A-89. Administration and enforcement of chapter--Promulgation of rules.

The commission may promulgate rules pursuant to chapter 1-26 relating to the administration and enforcement of the provisions of this chapter in the following areas:

- (1) Procedures for conducting the commission's business;
- (2) Procedures and qualifications for application, minimum requirements for examination, procedures for the examination and the administration of the examination, the required score for passing the examination, and procedures for replacement of a license;

- (3) Requirements for dividing a commission with a broker in another state, requirements for application for licensure by reciprocity and the practice of a nonresident licensee in the state;
- (4) Procedures for application to provide classroom instruction or correspondence work for prelicensing education, qualifications of the instructors and facilities, and procedures for approving classroom instruction and correspondence work and for withdrawing the approval;
- (5) Requirements for a real estate auction, use of unlicensed persons to call or take bids, and the requirements, duties and responsibilities of an auctioneer;
- (6) Requirements for mortgage brokers, including areas such as trust accounts, record-keeping, written contracts, full disclosure and restrictions on chargeable costs and expenses;
- (7) Requirements for continuing education including procedures for granting a certificate of accreditation; notification of a material change in an approved course offering; suspension, revocation and denial of course approval; notice to students regarding the course and opportunity for comment; auditing; certificates of attendance; preregistration and limits on correspondence courses;
- (8) Requirements for property managers, including areas such as trust accounts, auditing, contracts, disclosure, disciplinary matters, financial obligations and records, and property management accounting; and
- (9) Requirements for establishing and maintaining teams and the requirements, duties, and responsibilities of team leaders.

Section 34. That § 36-21B-3 be AMENDED.

36-21B-3. Promulgation of rules.

The secretary of the Department of Labor and Regulation may promulgate rules pursuant to chapter 1-26 relating to appraisers and appraisals in the following areas:

- (1) Certification, licensing, and registration of appraisers;
- (2) Definition of terms;
- (3) Uniform standards of professional appraisal practice;
- (4) Application for and issuance of certificates;
- (5) Examinations and examination procedures;
- (6) Pre-certification education criteria and continuing education;
- (7) Qualifications for and upgrading of a certificate;
- (8) Transactions requiring certified, licensed, or registered appraisers;

- (9) Renewal and late renewal procedures;
- (10) Certificate by reciprocity;
- (11) Temporary practice and permits;
- (12) Grounds for disciplinary actions including denial, revocation, suspension, censure, and reprimand;
- (13) Conflict of interest and investigation;
- (14) Advertising by certified, licensed, or registered appraisers;
- (15) Retention and inspection of records, and rosters of appraisers;
- (16) Appraiser membership, competency, and independence;
- (17) Review of appraisals and contracting for investigations;
- (18) Inspection, examination, and photocopy of appraisal records for audit purposes;
- (19) Inactive status; and
- (20) Exemptions and standards allowing appraisers to perform an evaluation for a federally insured depository institution.

Section 35. That § 36-21C-6 be AMENDED.

36-21C-6. Promulgation of rules for licensing and registration.

The commission shall promulgate rules pursuant to chapter 1-26 for licensed and registered home inspectors in the following areas:

- (1) Standards and requirements for prelicense and continuing education, including qualifications of instructors, procedures for granting a certificate of accreditation, notification of a material change in an approved course offering, suspension, revocation, and denial of course approval, certification of attendance, preregistration, and hours required to renew a license or registration;
- (2) A code of ethics and standards of practice;
- (3) Fees for applications, examinations, registration, licensure, and renewals, not to exceed two hundred dollars for application and one hundred dollars for renewal; and
- (4) Procedures and qualifications for application, minimum requirements for examination, procedures for the examination and the administration of the examination, the required score for passing the examination, and procedures for replacement of a license.

Section 36. That § 36-21D-4 be AMENDED.

36-21D-4. Promulgation of rules regarding companies and services.

The secretary of the Department of Labor and Regulation may promulgate rules pursuant to chapter 1-26 relating to appraisal management companies and appraisal management services in the following areas:

- (1) Registration of appraisal management companies;
- (2) Definition of terms;
- (3) Responsibilities and duties;
- (4) Application for and issuance of certificate of registration;
- (5) Renewal and late renewal procedures;
- (6) Contracting for investigations;
- (7) Complaints and grounds for disciplinary actions, including denial, revocation, suspension, censure, and reprimand;
- (8) Retention and inspection of records;
- (9) Roster;
- (10) Review of appraisal related records;
- (11) Inspection, examination, and photocopy of records;
- (12) National registry fee collection and remittance; and
- (13) Filing of surety bonds or irrevocable letters of credit.

Section 37. That § 36-26-41 be AMENDED.

36-26-41. Investigation and report of violations--Employment of special counsel--Expenses.

The board shall investigate every alleged violation of this chapter pursuant to the procedures set forth in chapter 36-1C. If the board violation is committed by a nonlicensee, the board shall report the same to the proper law enforcement officials wherein the act is committed. The board is authorized to employ special counsel subject to the supervision, control and direction of the attorney general, to assist in the prosecution of violations of this chapter and to expend the necessary funds for such purpose.

Section 38. That § 36-27A-34 be AMENDED.

36-27A-34. Investigation and prosecution of violations.

The Board of Examiners of Psychologists shall investigate every alleged violation of this chapter pursuant to chapter 36-1C. The board may employ special counsel, subject to approval, supervision, control, and direction by the attorney general, to assist in the

prosecution of violations of this chapter, and to spend the necessary funds for that purpose.

Section 39. That § 36-29-26 be AMENDED.

36-29-26. Investigation and report of violations.

The Board of Medical and Osteopathic Examiners shall investigate every alleged violation of this chapter pursuant to the procedures set forth in chapter 36-1C. If the alleged violation is committed by a nonlicensee, the board shall report the same to the proper law enforcement officials wherein the violation is committed.

Section 40. That § 36-31-22 be AMENDED.

36-31-22. Investigation and report of violations.

The board shall investigate every alleged violation of this chapter pursuant to the procedures set forth in chapter 36-1C. If the alleged violation is committed by a nonlicensee, the board shall report the same to the proper law enforcement officials wherein the violation is committed.

Section 41. That § 36-32-80 be AMENDED.

36-32-80. Complaints--Investigation--Dismissal--Hearing--Appeal.

Complaints regarding any person licensed under this chapter shall be processed pursuant to chapter 36-1C. A record of each complaint shall be maintained in the board office.

Notwithstanding any provision of chapter 36-1C, an investigation may be conducted by a member, agent, or an appointee of the board to determine whether the alleged violation has been committed. The investigator, if a member of the board, may dismiss a complaint if it appears to the member, in consultation with the board president, that no violation has been committed. If the investigator is an agent or an appointee of the board, dismissal of the complaint may only be made by the board president. Any disposition agreed upon between the investigator and the licensee or permit holder shall be made known to and approved by the board.

Any disciplinary proceeding must be conducted in accordance with chapter 1-26. Any decision of the board entered in a contested proceeding may be appealed to the circuit court within thirty days. A license or permit remains in effect during the pendency of an appeal, unless suspended under § 36-32-86.

Section 42. That § 36-32-89 be AMENDED.

36-32-89. Violations reported to law enforcement officials--Prosecution of violations.

The board shall investigate an alleged violation of any provision of this chapter, pursuant to the procedures set forth in chapter 36-1C, and report the alleged violation. The board may employ special counsel subject to the supervision, control, and direction of the attorney general to assist in the prosecution of alleged criminal violations and may expend the necessary funds for this purpose.

Section 43. That § 36-33-58 be AMENDED.

36-33-58. Complaints--Investigation--Dismissal--Hearing--Appeal.

The board shall receive complaints regarding the enforcement of the provisions of this chapter pursuant to the procedures set forth in chapter 36-1C. A record of each complaint shall be maintained by the board.

Notwithstanding chapter 36-1C, the investigator, if a member of the board, may dismiss a complaint if it appears to the member, in consultation with the board president, that no violation has been committed. If the investigator is an agent or an appointee of the board, dismissal of the complaint may only be made by the board president. Any disposition agreed upon between the investigator and the licensee or permit holder shall be made known to and approved by the board.

Any disciplinary proceeding shall be conducted in accordance with chapter 1-26. Any decision of the board entered in a contested proceeding may be appealed to the circuit court within thirty days. A license or permit shall remain in effect during the pendency of an appeal unless suspended under § 36-33-64.

Section 44. That § 36-34-18 be AMENDED.

36-34-18. Receipt and log of complaints--Investigation--Disciplinary proceeding.

The board shall receive complaints concerning a practitioner's professional practices. Each complaint received shall be logged by the secretary-treasurer, or the board's designee, recording the practitioner's name, name of the complaining party, date of the complaint, a brief statement of the complaint, and its ultimate disposition. The board shall investigate each alleged violation of this chapter pursuant to the procedures

set forth in chapter 36-1C. All disciplinary proceedings held under the authority of this chapter must be conducted in accordance with chapter 1-26.

Section 45. That § 36-35-20 be AMENDED.

36-35-20. Investigation of complaints--Inspections.

The board shall receive and investigate any complaint filed with the board alleging a violation of this chapter pursuant to the procedures set forth in chapter 36-1C. The board may inspect the place of business of the licensee named in a complaint during normal business hours or upon written notice.

Section 46. That § 36-36-12 be AMENDED.

36-36-12. Promulgation of rules.

The board shall promulgate rules pursuant to chapter 1-26 pertaining to fees, licensure, investigations, and continuing education.

Section 47. That § 36-38-21 be AMENDED.

36-38-21. Investigation of suspected violations--Prosecution of violations.

The board shall investigate each suspected violation of this chapter pursuant to the procedures set forth in chapter 36-1C. If the suspected violation is committed by a nonlicensee, the board shall report the violation to the proper law enforcement official where the act is committed. The board is authorized to employ special counsel subject to the supervision, control, and direction of the attorney general to assist in the prosecution of violations of this chapter, and to expend the necessary funds for such purpose.

Section 48. That section 47 of this Act is repealed on July 1, 2024.

An Act to establish uniform complaint and declaratory ruling procedures for agencies regulating certain professions and occupations.

 I certify that the attached Act originated in
 the:

House as Bill No. 1014

Received at this Executive Office
 this _____ day of _____,

2021 at _____ M.

 Chief Clerk

By _____
 for the Governor

 Speaker of the House

The attached Act is hereby
 approved this _____ day of
 _____, A.D., 2021

Attest:

 Chief Clerk

 Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

 President of the Senate

Attest:

Filed _____, 2021
 at _____ o'clock __ M.

 Secretary of the Senate

 Secretary of State

House Bill No. 1014
 File No. _____
 Chapter No. _____

By _____
 Asst. Secretary of State

Jill Lesselyoung

Subject:

FW: question for you about state oral licensure exam

Subject: question for you about state oral licensure exam

I am writing to ask your help with a change we've made in our Clinical Training Program oral exam process.

Due to changes this year with Covid, we, as a Clinical Training Committee, have changed our oral prelim exam process. We have always included this process as one of several ways for students to demonstrate their clinical "readiness to apply for internship."

Prior to this year, we have required students do like a mini grand-round presentation to clinical faculty where they present a case and talk us through their assessment, case conceptualization, intervention processes. This year though, due to our clinic closing and lack of usual clinical hours, we are now moving to using a case study for the student to review with questions from our faculty members, a more --on the spot, think on-your --feet, type of exercise. This reminded us of our experiences with our state licensure oral examinations that your licensure board conducts. We are interested in providing training experiences with this kind of exercise that will help prepare them for licensure exams.

Do you have any suggestions for us in this process? Do you have any suggestions for what kind of scenarios/ case studies that may be helpful? Is it possible for us to see past case studies that you have retired that could help inform our process? These would not be shared with any professionals (all of our faculty members are licensed now) and would be for our information only to help us learn more about what you do so we can best prepare our students.